



683783

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MIDDLEMAN et al.

U.S. Serial Number: 09/123,614

Filed: July 28, 1998

For: DEVICE FOR ANCHORING TUBULAR ELEMENT

Examiner: C. RODRIGUEZ

Group Art Unit: 3763

I HEREBY CERTIFY THAT THIS CORRESPONDENCE
IS BEING DEPOSITED WITH THE U.S. POSTAL
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10-25-99 *Peri* 10-27-99
10-27-99
(DATE SIGNED)

RESPONSE TO ELECTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

This election is responsive to the Office Action dated September 27, 1999 issuing a
election/restriction requirement in the above-identified application.

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REMARKS

Applicant traverses the election of a species restriction on the grounds that generic claim 1 includes sufficiently few species that a search and examination of the species identified in the Office Action, i.e. species A-F, would not impose a serious burden on the examiner.

Notwithstanding this objection to the election requirement, applicant elects species B (Figure 5) for initial examination on the merits. Applicant identifies claims 1-15 and 22 as being readable on elected species B.

Applicant further requests that species A and C-F, be rejoined in the present application when a generic claim is allowable.